

### **REMARKS**

Reconsideration of the above-identified application in view of the preceding amendments and following remarks is respectfully requested. By this Amendment, Applicant has amended Claims 1, 4, 30, 35 and 36. Claims 1-40 remain pending in this application. It is respectfully submitted that no new matter has been introduced by these amendments, as support therefor is found throughout the specification and drawings.

In the Office Action, Claims 4, 8, and 35-40 were rejected by the Examiner under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In response to this rejection, Applicant has amended Claims 4, 8 and 35 to correct the minor deficiencies noted by the Examiner. Applicant believes that these amendments properly correct the deficiencies noted by the Examiner with respect to Claims 4, 8 and 35-40 and an action acknowledging the same is respectfully requested.

In the Office Action, Claims 1-14, 21, 23-25 and 30-34 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,709,812 to Kosterka (hereinafter "Kosterka").

Kosterka discloses a package for a compact disc formed from a prescored, preprinted unitary blank 50 or sheet and at least one injection molded plastic compact disc holder 41. The blank 50 in its unassembled state comprises a rectangular paperboard sheet divided by fold lines into six sections, 51-56, which are separated from each other by thin strips 57 and 59. Kosterka also teaches a method of making the compact disc package. The method is illustrated in Figure 8 and includes the steps of: securing at least one compact disc holder 41 to a sheet or unitary blank 50; placing and securing a compact disc into each

compact disc holder; folding the resultant assembly along fold lines; erecting a carton for the folded assembly; inserting the assembly into the erected carton; and shrink-wrapping the resultant carton assembly.

In contrast to Kosterka, currently amended Claim 1 is directed to a boxed disc package apparatus that includes a box base, a foldable rigid creased board having multiple parallel creases and having board-receiving panels and spines separated by the creases. A plurality of tray-holding boards are mounted on the board-receiving panels and plural disc-holding trays are mounted on the plural tray-holding boards. Moreover, Claim 1 recites that one of the board-receiving panels of the foldable rigid creased board is attached to a bottom of the box base, whereby remaining board-receiving panels with the attached tray-holding boards and trays are foldable around the spines for overlying each other and folding into the box base, thereby forming the boxed disc package apparatus.

Kosterka does not disclose, suggest or teach a package wherein one of the board-receiving panels of the foldable rigid creased board is attached to a bottom of the box base. The disc package assembly of Kosterka is simply inserted into the box. Therefore, it is respectfully submitted that amended Claim 1, and each of the claims depending therefrom, namely Claims 2-5 are in condition for allowance and an action acknowledging the same is respectfully requested.

Concerning the Examiner's rejection to Claim 6, Applicant provides the following remarks. Claim 6 as currently amended is directed to a boxed disc package apparatus that includes, *inter alia*, a box base, a foldable rigid creased board having multiple parallel creases and having board-receiving panels and spines separated by the

creases. A plurality of tray-holding boards are individually mounted on each of the board-receiving panels and plural disc-holding trays are mounted on each of the plural tray-holding boards. One of the board-receiving panels of the foldable rigid creased board is placed in a bottom of the box base, whereby remaining board-receiving panels with the attached tray-holding boards and trays are foldable around the creases, perpendicular to the spines for overlying each other and folding the panels, spines, boards and trays into the box base, thereby forming the boxed disc package apparatus.

Kosterka does not disclose, suggest or teach a package wherein tray-holding boards are mounted on each of the board receiving panels and disc-holding trays are mounted on each of the tray-holding boards. In fact, in each of the embodiments disclosed in Kosterka, at least one of the panels does not include either a tray-holding board or a disc-holding tray. Therefore, it is respectfully submitted that amended Claim 6, and each of the claims depending therefrom, namely Claims 7-9 are in condition for allowance and an action acknowledging the same is respectfully requested.

Concerning the Examiner's rejection of Claims 10 and 21, Applicant provides the following remarks. Applicant disagrees with the Examiner's position with respect to these claims that "trays are not required on all boards, only a plurality."

Claim 10 is directed to a disc package apparatus that includes, *inter alia*, a box and a foldable creased board having multiple parallel creases and having alternating disc-holding panels and spines separated by the creases. The claim further requires that disc-holding trays be mounted on the panels. Claim 10 does not recite that the disc-holding trays are mounted at least one of the panels or less than all of the panels. The claim

requires that the creased board includes disc-holding panels having disc-holding trays mounted thereon.

Claim 21 is similarly directed to a boxed disc package apparatus that includes, *inter alia*, a box, a foldable carrier having multiple parallel sections and having alternating tray-holding panels and spines forming the sections and plural disc-holding trays are mounted on the plural tray-holding panels. Like Claim 10, Claim 21 does not recite that the disc-holding trays are mounted on at least one of the panels or less than all of the panels. Claim 21 requires that the creased board includes disc-holding panels having disc-holding trays mounted thereon.

Kosterka does not disclose, suggest or teach a package wherein tray-holding boards are mounted on each of the board receiving panels and disc-holding trays are mounted on each of the tray-holding boards. In fact, in each of the embodiments disclosed in Kosterka, at least one of the panels does not include either a tray-holding board or a disc-holding tray. Therefore, it is respectfully submitted that Claims 10 and 21, and each of the claims depending therefrom, namely Claims 11-14 and 22-25, respectively, are in condition for allowance and an action acknowledging the same is respectfully requested.

Concerning the Examiner's rejection of Claim 30, Applicant provides the following remarks. Claim 30 as amended is directed to a disc package apparatus that includes, a foldable creased carrier board having multiple parallel creases and having alternating disc-holding panels and spines separated by the creases and disc-holding trays are mounted on the panels. Moreover, an innermost one of the spines of the foldable creased carrier board is fixedly mounted on a side of the box, whereby the panels with the

attached trays are foldable around the spines for overlying each other and folding into the box, thereby forming the disc package apparatus.

. Like Claims 10 and 21, Claim 30 does not recite that the disc-holding trays are mounted on at least one of the panels or less than all of the panels. Claim 30 requires that the creased board includes disc-holding panels having disc-holding trays mounted thereon. Kosterka does not disclose, suggest or teach a package wherein tray-holding boards are mounted on each of the board receiving panels and disc-holding trays are mounted on each of the tray-holding boards. Moreover, Kosterka does not disclose, suggest or teach a package an innermost one of the spines of the foldable creased carrier board is fixedly mounted on a side of the box. Therefore, it is respectfully submitted that amended Claim 30, and each of the claims depending therefrom, namely Claims 31-34 are in condition for allowance and an action acknowledging the same is respectfully requested.

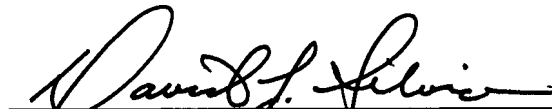
Applicant thanks the Examiner for indicating that claims 15-20 and 26-29 are in condition for allowance and that claims 35-40 would be allowable if rewritten or amended to overcome the rejections(s) under 35 U.S.C. § 112, second paragraph.

Based upon the foregoing, it is respectfully submitted that none of the prior art of record, alone or in combination, teaches, suggests, or discloses the invention recited in Claims 1-40 as presently amended. It is respectfully submitted that Claims 1-40 are in condition for allowance and an action acknowledging the same is respectfully requested.

If after reviewing this amendment, the Examiner believes that a telephone interview would facilitate the resolution of any remaining matters the undersigned attorney may be contacted at the number set forth herein below.

Respectfully submitted,

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